

Aquatic Ecosystem Restoration



Rapids restoration for fish passage at a low-head dam on the Red River.

What the Corps Can Do

Section 206 of the Water Resources Development Act of 1996 provides authority for the Corps of Engineers to undertake restoration projects in aquatic ecosystems such as rivers, lakes and wetlands. The Corps evaluates projects that benefit the environment through restoring, improving, or protecting aquatic habitat for plants, fish and wildlife. A project is accepted for construction after a detailed investigation shows it is technically feasible, environmentally acceptable, and provides cost effective environmental benefits. Each project must be complete within itself, not a part of a larger project. Costs for Section 206 projects are shared between the Federal Government (65 percent) and a non-Federal sponsor (35 percent) in accordance with the Water Resources Development Act of 1996. The maximum Federal expenditure per project is \$5 million, which includes both planning and construction costs. Costs of lands,

easements, and project operation and maintenance are non-Federal costs. Section 206 allows the non-Federal sponsor credit for certain work-in-kind, including design work, provision of materials, and construction activities. Work-in-kind must be accomplished by the non-Federal sponsor. It can be accomplished by the staff of the non-Federal sponsor or by a contract administered by the non-Federal sponsor.

After a State or local agency requests a potential project, the Corps conducts a preliminary study to determine if there is a Federal interest in the problem. If the Corps headquarters office approves this effort, a feasibility study begins at Federal expense. The feasibility study is conducted to define the problem, identify potential solutions, analyze the costs, benefits, and environmental impacts of the alternatives and select a plan. In addition to the study, a draft Project Cooperation Agreement (PCA) is drawn up by which the Federal Government and the sponsor agree to share project costs. No more than 2 years should pass between the start of the study and the time the project is ready for construction. Projects with an estimated Federal cost of \$300,000 or less may be expedited, allowing for a project to be completed in 18 months or less.

Local Responsibilities

A non-Federal sponsor provides 35 percent of the costs for a Section 206 project. Sponsors must be public agencies with the legal and financial capability to fulfill the

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requirements of cost sharing and local cooperation. The sponsor generally must agree to the following:

- Provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas.
- Provide any additional cash contributions needed to make the sponsor's share of the cost 35 percent.
- Hold and save the United States free from damages due to the construction and maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- Provide all access routes and relocations of utilities necessary for project construction and for operation and maintenance.
- Comply with the provisions of pertinent Federal acts in carrying out the specified non-Federal responsibilities of the project.
- Contribute in cash the local share of project planning and construction cost.
- Maintain, operate, repair, replace and rehabilitate the project after completion in accordance with regulations prescribed by the Secretary of the Army.

How to Request a Study

An investigation under Section 206 may be initiated after receipt of a formal request from the prospective sponsoring agency. An example of an acceptable resolution is shown above.

Sample Resolution

Dear Sir:

This letter is to request the U.S. Army Corps of Engineers to conduct a study under Section 206 of the Water Resources Development Act of 1996 to determine the feasibility of an aquatic ecosystem restoration project at (location).

(Briefly describe the nature of the aquatic ecosystem restoration and any issues that might affect the acceptability of any recommended solutions, from the perspective of local government and/or the public.)

It is understood that, if it were found feasible and advisable to develop an aquatic ecosystem restoration project at (location), the (non-Federal sponsor) would be required to provide the local cooperation and cost sharing prescribed by the Secretary of the Army.

Sincerely, (name and title of the public official authorized to request the study)

Point of Contact

The resolution requesting a study and any inquiries related to an aquatic ecosystem restoration project should be directed to:

*St. Paul District, Corps of Engineers
Project Management and Development Branch
190 5th Street East
St. Paul, Minnesota 55101-1638*

*Contact Person: Dave Loss
(651) 290-5435
email:
david.c.loss@usace.army.mil*

*District internet page:
www.mvp.usace.army.mil*



**US Army Corps
of Engineers**
St Paul District